

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT INVENTOR(S): Daniell, et al.

Confirmation No.: 2557

Application No.: 09/760,236

Examiner: Vaughan, Michael

Filing Date: 01/12/2001

Group Art Unit: 2131

Title: SYSTEM AND METHOD FOR CATEGORIZING SECURITY PROFILE RULES WITHIN A COMPUTER SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on June 28, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA
22313-1450. Date of Deposit: 8/26/2005
OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages:

Typed Name: Shana L. East

Signature: Shana L. East

Respectfully submitted,

Daniell, et al.

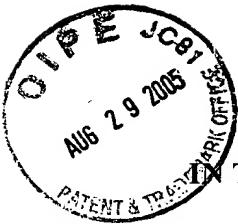
By

Jon E. Holland

Attorney/Agent for Applicant(s)
Reg. No. 41,077

Date: 8/26/2005

Telephone No.: (256) 704-3900



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
Daniell, et al.)
Serial No.: 09/760,236) Art Unit: 2131
Filed: January 12, 2001) Examiner: Vaughan, Michael
For: SYSTEM AND METHOD FOR) Docket No.: 10004555-1
CATEGORIZING SECURITY PROFILE)
RULES WITHIN A COMPUTER SYSTEM)

APPEAL BRIEF UNDER 37 C.F.R. §1.192

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. §1.192 is submitted in support of the Notice of Appeal filed June 28, 2005, responding to the final Office Action of May 3, 2005.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Company Deposit Account No. 08-2025.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, with sufficient postage, addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 20231 on

8-26-05

Signature: Shoma R. East

08/30/2005 SDENB0B1 00000001 082025 09760236
01 FC:1402 500.00 DA

I. REAL PARTY IN INTEREST

The real party in interest of the instant application is the assignee, Hewlett-Packard Development Company, L.P.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals and interferences that will affect or be affected by a decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 1-19 are pending in the present application. The final Office Action of May 3, 2005, rejected claims 1-14, 16, 17, and 19 under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* (U.S. Patent No. 6,339,826) in view of *Deo* (U.S. Patent No. 5,720,033). In addition, the final Office Action rejected claims 15 and 18 under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* in view of *Deo* and further in view of *Ahlberg* (U.S. Patent No. 6,587,836).

IV. STATUS OF AMENDMENTS

No amendments have been made or requested since the mailing of the final Office Action. A copy of the current claims is attached hereto as Appendix A.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A computer system (e.g., reference numeral 50) of some embodiments comprises a display device (e.g., reference numeral 34) having a screen for displaying images. The computer system also comprises a security application (e.g., reference numeral 52) defining a list of security rules for locking down resources of the computer system (e.g., page 9, lines 5-8, and page 13, lines 13-17). The security application is configured to categorize the rules into a plurality of categories and to display at least one of said categories on said screen (e.g., page 18, lines 4-5 and 9-11; page 22, lines 19-21; and Figure 3). The security application is configured to determine which of the rules are associated with the one category in response to a selection of the one category by a user of the computer system and to display on the screen each of the rules associated with the one category in response to the selection (e.g., page 18, lines 7-9 and 12-17). The security application is further configured to allow the user to enable ones of the rules and to cause the computer system to enforce the enabled ones of the rules by modifying a machine state of the computer system (e.g., page 23, lines 18-25, and page 24, lines 6-11). Different ones of the categories respectively pertain to different ones of a plurality of applications, and the rules are categorized such that the one category is assigned only to ones of the rules that affect a particular application pertaining to the one category (e.g., page 18, lines 7-21).

In at least one embodiment, the security application, in response to a selection of one of the rules, is configured to display help information pertaining to the one rule (e.g., page 17, lines 13-20).

A system (e.g., reference numeral 50) of some embodiments comprises means (e.g., Figure 2 and reference numerals 50 and 52) for defining a list of security rules for locking down resources of a computer system (e.g., page 9, lines 5-8, and page 13, lines 13-17). The system also comprises means (e.g., Figure 2 and reference numerals 50 and 52) for categorizing the

rules into a plurality of categories and means (e.g., Figure 2 and reference numerals 34, 50, and 52) for displaying at least one of said categories (e.g., page 18, lines 4-5 and 9-11; page 22, lines 19-21; and Figure 3). The system further comprises means (e.g., Figure 2 and reference numerals 50 and 52) for determining, in response to a selection of the one category, which of the rules is associated with the one category, and means for displaying each of the rules determined to be associated with the one category (e.g., page 18, lines 7-9 and 12-17). In addition, the system comprises means (e.g., Figure 2 and reference numerals 50 and 52) for enabling ones of the rules based on user inputs and means for enforcing each of the enabled rules (e.g., page 23, lines 18-25, and page 24, lines 6-11). The different ones of the categories respectively pertain to different ones of a plurality of applications, and the categorizing means is configured to assign the one category only to ones of the rules that affect a particular application pertaining to the one category (e.g., page 18, lines 7-21).

A method of some embodiments comprises locks down resources of computer systems. The method comprises defining a list of security rules for locking down resources of a computer system (e.g., reference numeral 50) and categorizing the rules into a plurality of categories (e.g., page 9, lines 5-8; page 13, lines 13-17; page 18, lines 4-5). Different ones of the plurality of categories pertain to different ones of a plurality of applications (e.g., page 18, lines 5-9). The method also comprises displaying at least one of the categories (e.g. page 18, lines 9-11, and page 22, lines 19-21; and Figure 3). The method further comprises determining, in response to a selection of the one category, which of the rules is associated with the one category and displaying each of the rules determined to be associated with the one category (e.g., page 18, lines 7-21). In addition, the method comprises enabling ones of the rules and enforcing each of the enabled rules based on the enabling (e.g., page 23, lines 18-25, and page 24, lines 6-11).

The categorizing comprises assigning the one category only to ones of the rules that affect a particular application pertaining to the one category (e.g., page 18, lines 7-21).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-14, 16, 17, and 19 are rejected under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* (U.S. Patent No. 6,339,826) in view of *Deo* (U.S. Patent No. 5,720,033).

Claims 15 and 18 are rejected under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* in view of *Deo* and further in view of *Ahlberg* (U.S. Patent No. 6,587,836).

VII. ARGUMENT

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

In addition, “(t)he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.” *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted).

Discussion of 35 U.S.C. §103 Rejections of Claims 1-14, 16, 17, and 19

Claim 1 presently stands rejected in the final Office Action under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* (U.S. Patent No. 6,339,826) in view of *Deo* (U.S. Patent No. 5,720,033). Claims 5 and 9 comprise similar claimed limitations which are missing from the alleged combination of *Hayes* and *Deo* (with respect to the outstanding 35 U.S.C. §103 rejections) as claim 1. Claims 2-4, 6-8, 10-14, 16, 17, and 19 depend from a respective one of the claims 1, 5, and 9. Therefore, claim 1 is discussed below as an exemplary claim for discussion.

Claim 1 presently reads as follows:

1. A computer system, comprising:
a display device having a screen for displaying images; and
a security application defining a list of security rules for locking down resources of said computer system, said security application configured to categorize said rules into a plurality of categories and to display at least one of said categories on said screen, said security application configured to determine which of said rules are associated with said one category in response to a selection of said one category by a user of said computer system, said security application configured to display on said screen each of said rules associated with said one category in response to said selection, said security application further configured to allow said user to enable ones of said rules and to cause said computer system to enforce said enabled ones of said rules by modifying a machine state of said computer system, *wherein different ones of said categories respectively pertain to different ones of a plurality of applications and wherein said rules are categorized such that said one category is assigned only to ones of said rules that affect a particular application pertaining to said one category.* (Emphasis added).

Applicants respectfully assert that the alleged combination of *Hayes* and *Deo* fails to suggest at least the features of claim 1 highlighted hereinabove. Accordingly, the 35 U.S.C. §103 rejection of claim 1 is improper.

In this regard, it is candidly admitted in the final Office Action that *Hayes* does not disclose the highlighted features of claim 1. However, it is alleged in the final Office Action that “*Deo* teaches associating security rules with particular applications (column 2, lines 43-67,

i.e. entity type – the basic object type that will be used to define a security feature for a particular application).” However, merely alleging that the cited art “associat(es) security rules with particular applications” is insufficient for establishing a *prima facie* case of obviousness with respect to the highlighted features of claim 1.

In particular, “(o)n the issue of obviousness, the combined teachings of the prior art as a whole must be considered.” *EWP Corp. v. Reliance Universal Inc.*, 755 F.2d 898, 225 U.S.P.Q. 20, 25 (Fed. Cir. 1985). Even if it is assumed *arguendo* that it is obvious to associate security rules with particular applications, as alleged in the final Office Action, it does not necessarily follow that it would be obvious to categorize rules into *categories to be displayed* such that only rules pertaining to the same application are displayed in response to a selection of the *displayed* category. Indeed, *Deo* describes how rules are defined but, as a whole, does not appear to focus on the manner in which the defined rules and the categories of such rules should be *displayed*. Moreover, when the teachings of *Hayes* and *Deo* are properly considered as a whole, it becomes apparent that *Deo* does not remedy the admitted deficiency of *Hayes*.

For at least the above reasons, Applicants respectfully assert that *Deo* fails to suggest modification of the displayed categories of *Hayes* such that a selection of one of the *displayed* categories results in the display of “each of said rules associated with said one category... wherein different ones of said categories respectively pertain to different ones of a plurality of applications and wherein said rules are categorized such that said one category is assigned only to ones of said rules that affect a particular application pertaining to said one category,” as described by claim 1. Accordingly, the 35 U.S.C. §103 rejection of claim 1 is improper and should be overruled.

In addition to the reasons set forth above, Applicants respectfully assert that the 35 U.S.C. §103 rejection of claim 1 is improper because the final Office Action fails to establish a

sufficient reason or motivation for combining *Hayes* and *Deo*. In this regard, “(o)viousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined *only* if there is some suggestion or incentive to do so.” *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984) (emphasis in original). Applicant respectfully asserts that the final Office Action fails to establish a sufficient reason or motivation for combining *Hayes* with *Deo* and, therefore, fails to establish a *prima facie* case of obviousness.

In this regard it is asserted in the Office Action that:

“10. It would have been obvious to one of ordinary skill in the art at the time the invention was made wherein different ones of said categories respectively pertain to different ones of a plurality of applications and wherein said rules are categorized such that said one category is assigned only to ones of said rules that affect a particular application pertaining to said one category, since *Deo* states at column 2, lines 43-49 that such a modification would provide a security platform adaptable to a variety of applications, provide a uniform system-wide security capability thereby making the system more secure, and allows the implementation and modification of security measures quickly and easily.”

However, there is nothing in the cited art to suggest that *Hayes* suffers from any problems that would be remedied by the alleged solutions provided by *Deo*. In this regard, there is nothing in *Hayes* to indicate that it provides a “security platform” **not** “adaptable to a variety of applications” or that it does **not** provide a “uniform system-wide security capability.” In addition, there is nothing to indicate that *Hayes* does **not** allow “implementation and modification of security measures” that are “quick” and “easy.”

In fact, the final Office Action fails to establish that there is **any** apparent deficiency in *Hayes* that would motivate one of ordinary skill in the art to combine *Deo* with *Hayes*. Moreover, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the

particular prior art reference. *Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 1349, 53 U.S.P.Q.2d 1580 (Fed. Cir. 2000).

For at least the above reasons, Applicants respectfully assert that the final Office Action fails to establish a sufficient motivation for combining *Hayes* and *Deo*, and the 35 U.S.C. §103 rejection of claim 1 is improper for at least this reason. “Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references.” *In re Dembiczcak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Accordingly, Applicants respectfully request that the 35 U.S.C. §103 rejection of claim 1 be overruled.

Discussion of 35 U.S.C. §103 Rejections of Claims 15 and 18

Claim 15 presently stands rejected in the final Office Action under 35 U.S.C. §103 as allegedly unpatentable over *Hayes* (U.S. Patent No. 6,339,826) in view of *Deo* (U.S. Patent No. 5,720,033) and further in view of *Ahlberg* (U.S. Patent No. 6,587,836). Claim 18 comprises similar claimed limitations which are missing from the alleged combination of *Hayes*, *Deo*, and *Ahlberg* (with respect to the outstanding 35 U.S.C. §103 rejections) as claim 15. Therefore, claim 15 is discussed below as an exemplary claim for discussion.

Claim 15 reads “wherein said security application, in response to a selection of one of said rules, is configured to display help information pertaining to said one rule.” Applicants respectfully assert that the alleged combination fails to suggest such features.

In this regard, it is asserted in the final Office Action that:

“19. Regarding claim 15, Hayes and Deo do not disclose wherein said security application, in response to a selection of one of said rules, is configured to display help information pertaining to said one rule.

20. Ahlberg teaches wherein said security application, in response to a selection of one of said rules, is configured to display help information pertaining to said one rule (column 15, lines 18-33).”

However, the cited section of *Ahlberg* discloses launching a help engine in response to selection of a “help menu option.” Thus, the display of help information is not “in response to a selection of one of said (security) rules,” as recited by claim 15, but is rather in response to a selection of a “help menu option.” Further, there is nothing in the alleged combination to suggest that displaying of help information, as allegedly described by *Ahlberg*, should be performed in response to a selection of one of the alleged “security rules” of *Hayes* or *Deo* instead of the “help menu option” described by *Ahlberg*. Therefore, the final Office Action fails to establish a *prima facie* case of obviousness with respect to each feature of claim 15.

In addition, claim 15 depends from and, therefore, includes all of the limitations of its independent claim 1. Further, *Ahlberg* does not suggest the features missing from the alleged combination of *Hayes* and *Deo* as described above in the Discussion of 35 U.S.C. §103 Rejections of Claims 1-14, 16, and 17. Thus, the alleged combination of *Hayes*, *Deo*, and *Ahlberg* also fails to suggest such features.

For at least the above reasons, Applicants respectfully assert that the 35 U.S.C. §103 rejection of claim 15 is improper and should be overruled.

CONCLUSION

Based on the foregoing discussion, Applicants respectfully request that the Examiner's final rejections of claims 1-19 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:



Jon E. Holland

Reg. No. 41,077

(256) 704-3900 Ext. 103

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400



VIII. CLAIMS - APPENDIX

1. A computer system, comprising:
 - a display device having a screen for displaying images; and
 - a security application defining a list of security rules for locking down resources of said computer system, said security application configured to categorize said rules into a plurality of categories and to display at least one of said categories on said screen, said security application configured to determine which of said rules are associated with said one category in response to a selection of said one category by a user of said computer system, said security application configured to display on said screen each of said rules associated with said one category in response to said selection, said security application further configured to allow said user to enable ones of said rules and to cause said computer system to enforce said enabled ones of said rules by modifying a machine state of said computer system, wherein different ones of said categories respectively pertain to different ones of a plurality of applications and wherein said rules are categorized such that said one category is assigned only to ones of said rules that affect a particular application pertaining to said one category.
2. The computer system of claim 1, wherein said computer system further comprises memory storing various computer applications, and wherein said security application is further configured to determine which computer applications are stored in said memory and to display said categories based on a determination by said security application as to which computer applications are stored in said memory.

3. The system of claim 1, wherein said one category is displayed on said screen by said security application in response to a selection of another category by said user.

4. The system of claim 1, wherein said one category is a sub-category of another of said categories.

5. A system for locking down resources of computer systems, comprising:
means for defining a list of security rules for locking down resources of a computer system;

means for categorizing said rules into a plurality of categories;

means for displaying at least one of said categories;

means for determining, in response to a selection of said one category, which of said rules is associated with said one category;

means for displaying each of said rules determined to be associated with said one category;

means for enabling ones of said rules based on user inputs; and

means for enforcing each of said enabled rules,

wherein different ones of said categories respectively pertain to different ones of a plurality of applications and wherein said categorizing means is configured to assign said one category only to ones of said rules that affect a particular application pertaining to said one category.

6. The system of claim 5, further comprising:

means for storing various computer applications;

means for identifying which computer applications are stored in said storing means; and

means for displaying said categories based on which computer applications are

identified by said identifying means.

7. The system of claim 5, further comprising:

means for selecting another of said categories; and

means for displaying said one category in response to a selection by said selecting

means.

8. The system of claim 5, wherein said one category is a sub-category of another of said

categories.

9. A method for locking down resources of computer systems, comprising:

defining a list of security rules for locking down resources of a computer system;

categorizing said rules into a plurality of categories, wherein different ones of the plurality of categories pertain to different ones of a plurality of applications;

displaying at least one of said categories;

determining, in response to a selection of said one category, which of said rules is associated with said one category;

displaying each of said rules determined to be associated with said one category;

enabling ones of said rules; and

enforcing each of said enabled rules based on said enabling,

wherein said categorizing comprises assigning said one category only to ones of said rules that affect a particular application pertaining to said one category.

10. The method of claim 9, wherein said computer system has memory and said method further comprises:

storing various computer applications in said memory;

determining which computer applications are stored in said memory; and

displaying said categories based on said determining which computer applications are stored in said memory.

11. The method of claim 9, further comprising:

selecting another of said categories; and

displaying said one category in response to said selecting.

12. The method of claim 9, wherein said one category is a sub-category of another of said categories.

13. The system of claim 1, wherein each of said rules is assigned to a respective one of said categories based on whether said each rule controls access to an application pertaining to said respective one category.

14. The system of claim 1, wherein each of said categories is assigned only to ones of said security rules that affect a respective one of said applications pertaining to said each category.

15. The system of claim 1, wherein said security application, in response to a selection of one of said rules, is configured to display help information pertaining to said one rule.

16. The method of claim 9, wherein said categorizing comprises assigning each of said rules to a respective one of said categories in response to a determination that said each rule controls access to an application pertaining to said respective one category.

17. The method of claim 9, wherein each of said categories pertains to only a respective one of said applications.

18. The method of claim 9, further comprising:

selecting one of said rules; and

displaying help information pertaining to said one rule in response to said selecting.

19. The method of claim 9, further comprising making said selection in response to a determination that said one category pertains to said particular application.

IX. EVIDENCE - APPENDIX

None.

X. RELATED PROCEEDINGS - APPENDIX

None.